

SEP 23 2004

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Pamela J. Squyres

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9/23/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Vyvoda et al.

Application No.: 09/918,853

Filed: 7/30/2001

Title: Process for Fabricating a Dielectric

Film Using Plasma Oxidation

Attorney Docket No.: 10519-29

Group Art Unit: 2823

Examiner: F. Toledo

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 23, 2004

DECLARATION UNDER 37 CFR §1.132

Dear Sir:

As an inventor of the above-captioned application and one skilled in the art of deep submicron semiconductor fabrication, I, Michael A. Vyvoda, Ph.D., hereby declare my opinion that:

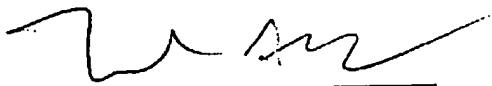
1. The teachings of Thomas, US. Patent No. 6,509,283, do not describe exposing an oxidizable surface to an oxidizing plasma. The oxidation described by Thomas is thermal oxidation, and the oxidized surface is not exposed to a plasma.

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2. The teachings of Thomas, US. Patent No. 6,509,283, do not describe regulating plasma activity, or regulating any sort of oxidizing activity, to limit the rate of formation of an oxide film.
3. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issuing therefrom.

Respectfully submitted,



Michael A. Vyvoda

9/23/2004
Date